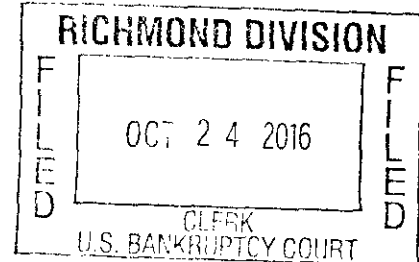




October 18, 2016

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street
Richmond, Virginia 23219



RE: Notice of Claims Objection, Chapter 11, HEALTH DIAGNOSTIC LABORATORY, INC., et al., Case No.: 15-32919-KRH, Notice of Objection to Claim, Doc 1233 Filed 10/14/16 Entered 10/14/16 17:44:09 Desc Main

Clerk of the Bankruptcy Court,

By this formal written notice to the United States Bankruptcy Court, the Liquidating Trustee, Richard Arrowsmith, and the Liquidating Trustee's attorney's, Wolcott Rivers Gates, Gamma Therapeutics, Inc., the claimant, opposes the disallowance and expungement of its claim, Claim #1233 in the amount of \$6,725.00, filed on December 7, 2015 and received and signed by the United States Bankruptcy Court/American Legal Claims Services, LLC on December 9, 2015 and seeks relief from the court per the claim.

On April 15, 2015, Mohmed Ashmaig, PhD, a Senior Assay Scientist at Health Diagnostic Laboratory sent an email to Gamma Therapeutics, Inc. requesting the purchase and shipment of 20 GammaCoeur CVD Risk ELISA kits for additional validation testing at HDL's laboratories in Richmond, VA. Gamma Therapeutics immediately issued a Purchase Order to its manufacturing facility, ZEUS Scientific in Branchburg, NJ and instructed the manufacturer to ship the requested kits via overnight Federal Express. The 20 kits were physically delivered and accepted by HDL. Gamma Therapeutics then issued an invoice to HDL in the sum of \$6,725.00 on April 17, 2015, which reflected the stated price point per kit, (\$325.00) for 20 kits, (\$6,500.00) and an additional \$225.00 for overnight Fedex shipping-related costs.

Gamma Therapeutics opposes the Omnibus Objection regarding Claim #1233, since, as detailed herein, the claim relates to a legitimate exchange of goods provided by the claimant to the debtor. The request by the debtor, HDL, for purchase of Gamma Therapeutics's products described as GammaCoeur CVD Risk ELISA kits was made in the normal course of business and based upon an ongoing Collaboration Agreement signed in June, 2011 and an ongoing intent by both parties to sign a Supply and Manufacturing Agreement for GammaCoeur kits after validation of the kits was fully completed. At no time did Gamma Therapeutics relieve the debtor of the claim because it was for an exchange of goods that had high material value to both Parties and the kits were used for validation testing upon receipt by HDL.

The following evidentiary information is attached:

- (1) The formal email request from Mohamed Ashmaig for the 20 kits.
- (2) The response email from Gamma Therapeutics informing HDL the kits would be shipped overnight.
- (3) The Purchase Order and instruction to ZEUS scientific for provision of the kits and overnight shipping.
- (4) The formal invoice from Gamma Therapeutics in the amount of \$6,725.00 for purchase of 20 kits
- (5) Follow on emails regarding payment and satisfaction of the bill.
- (6) The formal Claim for relief filed with the United States Bankruptcy Court/American Claims Legal Services, LLC., receipt date of filing and assignment of Claim #1233.

I declare that, as the CEO of Gamma Therapeutics and in working with our Accounts Payable person, Candace Clement, in processing the Purchase Order, the Invoice and all contact with HDL, in general, and Dr. Mohamed Ashmaig, in particular, that I was the person with personal knowledge of the relevant facts that support this opposition of the Omnibus Objection.

As regards to physically appearing at the hearing planned for November 17, 2016 to contest the Omnibus Objection, Gamma Therapeutics claims financial hardship and is unable to travel to Richmond without it causing undo financial hardship to the Company. Gamma Therapeutics asks for the courts understanding in this regard and requests that it adjudicate Claim #1233 based upon the submitted written materials and evidentiary documents.

If you desire any additional information regarding this case and our Claim #1233 or wish to send an additional response to this Notice of Claims Objection, please request it from:

David F. Eastman, MS, CEO
Gamma Therapeutics, Inc.
4640 SW Macadam Avenue, Suite 130b
Portland, Oregon 97239
503.806.1229

CC:
Health Diagnostic Laboratory, Inc., et al Liquidating Trust
C/O Wolcott Rivers Gates, Inc., ATTN: Cullen Speckhart
200 Bendix Road, Suite 300
Virginia Beach, VA. 23452

PROOF OF ADMINISTRATIVE CLAIM RECEIVED

Indicate Debtor against which you assert a claim by checking the appropriate box below (if your claim is against multiple Debtors, complete a separate form for each Debtor):

- ☒ Health Diagnostic Laboratory, Inc. (Case No. 15-32919)
☐ Central Medical Laboratory, LLC (Case No. 15-32920)
☐ Integrated Health Leaders, LLC (Case No. 15-32921)

American Legal Claims

Name and address of Creditor: (and name and address where notices should be sent if different from Creditor)

GAMMA THERAPEUTICS, INC.
4640 SW MACADAM AVE, SUITE 130B
PORTLAND, OREGON 97239

☐ Check box if you are aware that anyone else has filed a proof of claim relating to your administrative claim. Attach copy of statement giving particulars.

Claim 1233

Telephone number: **503 806 1229** Email Address: **d.eastman@gamma-therapeutics.com**

Name and address where payment should be sent (if different from above)

SAME AS ABOVE

Telephone number: Email Address:

NOTE: This form should only be used by claimants asserting a claim for an administrative expense arising after the commencement of the case. This form SHOULD NOT be used for any claim that is not of a kind entitled to priority in accordance with 11 U.S.C. § 503.

If you have already filed a proof of administrative claim with American Legal Claims Services, LLC, you do not need to file again.
COURT USE ONLY

Account or other number by which creditor identifies debtor:

GAMMA THERAPEUTICS P.O. 101840

1. Total Amount of Administrative Claim: **\$6,725.00**

2. Basis for Claim:

- ☒ Goods sold ☐ Services performed ☐ Personal injury/wrongful death ☐ Other
☐ Money loaned ☐ Taxes ☐ Retiree benefits as defined in 11 U.S.C. § 1114(a) ☐ Wages, salaries, and compensation (fill out below)
☒ Goods delivered during the twenty (20) days prior to the "Petition Date" pursuant to 11 U.S.C. § 503(b)(9)
17? 20 GAMMA COEUR CVD RISK ELISA TEST KITS @ \$335/PER KIT
 Last four digits of SS #: _____
 Unpaid compensation for services performed: _____
 From _____ to _____

3. Date debt was incurred: **PURCHASE ORDER: 4/6/2015 GT INVOICE: 4/17/2015 SEE**

4. Description of claim (attach any additional information): **SEE PO AND INVOICE AND EMAILS ATTACHED.**
20 GAMMA COEUR CVD RISK ELISA TEST KITS FOR HDL LAB TESTING OF PATIENT SAMPLES

5. Credits and setoffs: The amount of all payments on this claim has been credited and deducted for purposes of making this proof of claim. In filing this claim, claimant has deducted all amounts that claimant owes to debtor.
 6. Supporting Documents: Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, or evidence of security interests. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary.
 7. Date-Stamped Copy: To receive an acknowledgement of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim

This completed proof of claim form must be sent by mail or hand delivered so that it is actually received on or before 4:00 p.m., prevailing Eastern Standard Time, on December 11, 2015 for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units).

BY MAIL TO:

HDL Claims Center
 c/o American Legal Claims Services, LLC
 P.O. Box 23650
 Jacksonville, FL 32241-3650

BY HAND OR OVERNIGHT MAIL TO:

HDL Claims Center
 c/o American Legal Claims Services, LLC
 5985 Richard St., STE 3
 Jacksonville, FL 32216

FOR MORE INFORMATION, VISIT:

www.americanlegalclaims.com/HDL

Date: **MONDAY,**
DEC 7, 2015

Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of the power of attorney, if any.

DAVID F. EASTMAN, CEO
GAMMA THERAPEUTICS, INC.

Penalty for presenting fraudulent claim is a fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 AND 3571

Gamma Therapeutics, Inc

Invoice

c/o Candace Clement
3387 SE Tibbetts St
Portland, OR 97202

Date	Invoice #
4/17/2015	8

Bill To
Health Diagnostic Laboratory Inc 737 North 5th Street Suite 203 Richmond, VA 23219

Ship To
Health Diagnostic Laboratory Inc 737 North 5th Street Suite 203 Richmond, VA 23219

P.O. Number	Terms	Ship	Via
101840	With Order	4/17/2015	Federal Express

Quantity	Item Code	Description	Price Each	Amount
20	Gamma Coeur Shipping	Gamma Coeur CVD Risk Kits Shipping PLEASE NOTE FULL PAYMENT IS DUE WITH ORDER PLEASE REMIT PAYMENT TO: GAMMA THERAPEUTICS INC c/o CANDACE CLEMENT 3387 SE TIBBETTS ST PORTLAND, OR 97202 OR Direct deposit to Wells Fargo Bank Routing #12306800 Account #1813424759	325.00 225.00	6,500.00 225.00

Thank you for your business.

 4/17/2015

Total

\$6,725.00

FWD: FW: PO101840 order for HDL

From: Claudia White [mailto:CWhite@hdlabinc.com]

Sent: Monday, April 06, 2015 11:53 AM

To: cclement@gamma-therapeutics.com

Subject: PO101840 order for HDL

Attachments: [SB1-F5-C65415040602362.pdf](#)

Good afternoon Candace;

Please see attached PO 101840 and confirm order .

Thank you

Claudia White
Purchasing Agent

Accounting Finance

Health Diagnostic Laboratory, Inc.

737 N 5th Street, Suite 200

Richmond, Virginia 23219

Phone: 804-343-2718 Ext 1120

Cell Phone:

Fax:

CWhite@hdlabinc.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it contain confidential and/or privileged information meant for the listed recipient(s) only. You may not distribute or share this correspondence without written authorization from the above author.

If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify me by reply e-mail and destroy the original transmission and its attachments without saving them in any manner.

HealthDiagnosticLaboratoryInc.

beyond disease diagnosis

Health Diagnostic Laboratory

737 North 5th Street

Suite 203

Richmond VA 23219

Tax Reg. Number

263740119

Vendor:

Gamma Therapeutics, Inc

Attn: Candace Clement

3387 SE Tibbetts St

Portland OR 97202

Tax Reg. Number

Contract Number:

Ship To:

737 N. 5th St.

Richmond Virginia 23219

^A Changed Since the Previous Revision

		NET 30			1		
1	GAMMA COEUR	CVD Risk Elisa kit	4/6/2015	Each	20	\$325.00	\$6,500.00
DELIVERY		GAMMA COEUR	None				
Ship to attn: Mohamed Ashmaig							



Authorized Signature

	\$6,500.00
	\$0.00
	\$0.00
	\$0.00
	\$0.00
	\$6,500.00

**FWD: RE: guaranteeing GammaCoeur Kits--PO101840
order for HDL**

deastman@gamma-therapeutics.com [deastman@gamma-therapeutics.com]

Sent: Tue, 1:30 pm

To: deastman@gamma-therapeutics.com

----- Original Message -----

Subject: RE: guaranteeing GammaCoeur Kits--PO101840 order for HDL

From: "Mohmed Ashmaig" <MAshmaig@hdlabinc.com>

Date: 4/24/15 1:38 pm

To: "deastman@gamma-therapeutics.com" <deastman@gamma-therapeutics.com>, "Claudia White" <CWhite@hdlabinc.com>

Cc: "dfarrell@gamma-therapeutics.com" <dfarrell@gamma-therapeutics.com>, "Candace Clement" <cclement@gamma-therapeutics.com>, "Marsia Palma" <MPalma@zeusscientific.com>

Dear David,

That sound good, please send the letter and ship the kits,

Best regards

Mohmed

Mohmed Ashmaig PhD
Senior Scientist

Health Diagnostic Laboratory, Inc.
737 N 5th Street, Suite 200
Richmond, Virginia 23219
Phone: 804-343-2718 Ext 2211
Cell Phone: 510-579-5802
Fax:
MAshmaig@hdlabinc.com

Visit our website: www.myhdl.com

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it contain confidential and/or privileged information meant for the listed recipient(s) only. You may not distribute or share this correspondence without written authorization from the above author.

If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is **STRICTLY PROHIBITED**. If you have received this transmission in error, please immediately notify me by reply e-mail and destroy the original transmission and its attachments without saving them in any manner.

From: deastman@gamma-therapeutics.com [mailto:deastman@gamma-therapeutics.com]

Sent: Friday, April 24, 2015 1:03 PM

To: Mohamed Ashmaig; Claudia White

Cc: dfarrell@gamma-therapeutics.com; Candace Clement; Marsia Palma

Subject: RE: guaranteeing GammaCoeur Kits--PO101840 order for HDL

Dear Mohamed,

We have high confidence that the GammaCoeur ELISA kits in inventory at ZEUS will perform per the standards set for the kits by ZEUS and GT, and that extending the expiration date until September, 2015 will not have any effects on kit quality or performance.

It is not possible for us to take apart the kits and re-label the materials since some of these materials come from outside sources, such as our controls and calibrators from Biolyph and it is not a reasonable thing to do. We have asked ZEUS to send you a letter indicating that the expiration date of each kit in the current inventory can be extended, with confidence as to quality and performance, through September, 2015 and probably until February, 2016.

The original 12-month expiration date set for the GammaCoeur kits made for HDL, was arbitrary, having had no experience with how long a shelf life these particular kits would have. However, ZEUS manufactures tens of thousands of ELISA kits annually and their average expiration date is 18 mos to 24 mos and this shelf life timeline is expected for GammaCoeur as well.

As to your request that we guarantee the kit performance and quality of HDL kits purchased and that we replace any kit, at no cost to HDL, that does not meet the performance criteria, is reasonable to us. If a kit does not perform as expected and is rejected, we ask that HDL return it to ZEUS for testing and validation as to why it failed prior to any replacement.

Thank you. We look forward to providing GammaCoeur kits to HDL for your validation purposes.

Regards, David Eastman

FWD: RE: guaranteeing GammaCoeur Kits--PO101840 order for HDL

deastman@gamma-therapeutics.com [deastman@gamma-therapeutics.com]

Sent: Tue, 1:29 pm
To: deastman@gamma-therapeutics.com
Attachments: INVOICE.pdf

----- Original Message -----

Subject: RE: guaranteeing GammaCoeur Kits--PO101840 order for HDL
From: "Janice Grabko" <jgrabko@zeusscientific.com>
Date: 4/27/15 12:12 pm
To: "Candace Clement" <cclement@gamma-therapeutics.com>
Cc: "dfarrell@gamma-therapeutics.com" <dfarrell@gamma-therapeutics.com>, "deastman@gamma-therapeutics.com" <deastman@gamma-therapeutics.com>

Hello All,

Your order will be shipping today for you via FEDEX-tracking #6253 1086 2113.

Your invoice is attached for you.

Thank you,

Janice Grabko
Customer Support Department
Tel.: 908-243-4912
Fax: 908-526-2058

From: Candace Clement [mailto:cclement@gamma-therapeutics.com]
Sent: Friday, April 24, 2015 5:27 PM
To: Marsia Palma; Janice Grabko
Cc: dfarrell@gamma-therapeutics.com; deastman@gamma-therapeutics.com
Subject: RE: guaranteeing GammaCoeur Kits--PO101840 order for HDL

OK – we are good to go with the letter re: expiration date extension. Please go ahead and ship on Monday.

Thanks!!!!

Candace



ZEUS Scientific

Diagnostic Innovation. Worldwide application.

P.O. Box 38, Raritan, New Jersey 08869
Outside US: +1 908.526.3744
Toll Free: 1.800.286.2111
Fax: +1 908.526.2058
<http://www.zeusscientific.com/>

Bill To:

Gamma Therapeutics, Inc.
3387 SE TIBBETTS ST.-C/O CANDACE CLEMENT
Portland, Oregon 97202
USA
Attn:

Invoice Date: 04/27/2015
Due Date: 05/27/2015
Customer Number: 1458
PO Number: 300CLC
Zeus Order Number: 919099

Ship To:

Health Diagnostic Laboratory, Inc.
737 N 5th Street
Att: Mohmed Ashmaig - PO101840
Richmond, Virginia 23219
USA
Attn:

Invoice

Invoice No.: 561671

Item Code	Description	Lot	Exp Date	Quantity	Price	Total
GCEK001	Gamma Coeur CVD Risk ELISA Kit	14070036	5/31/15	20	\$129.00	\$2,580.00

-MAIL CHECK PAYMENTS TO: ZEUS SCIENTIFIC, PO BOX 38, RARITAN, NJ 08869
-FOR CREDIT CARD PAYMENTS, PLEASE CALL ACCOUNTING AT 908-243-4914 (WE ACCEPT VISA, MASTERCARD, AND AMERICAN EXPRESS)
-WIRE FUNDS TO: PNC BANK, 1130 Route 22, Bridgewater, NJ 08876 SWIFT CODE: PNCCUS33
ABA No.: 031207607 Zeus Acct No.: 8131441371

Discount	\$0.00
Freight	\$90.15
Tax	\$0.00
Total	\$2,670.15

FWD: RE: 20 GammaCoeur kits for validation

deastman@gamma-therapeutics.com [deastman@gamma-therapeutics.com]

Sent: 8/23/2016 3:58 PM

To: deastman@gamma-therapeutics.com

----- Original Message -----

Subject: RE: 20 GammaCoeur kits for validation

From: deastman@gamma-therapeutics.com

Date: 7/9/15 2:32 pm

To: "Mohmed Ashmaig" <MAshmaig@hdlabinc.com>

Cc: "Michael Perham" <MPerham@hdlabinc.com>

Dear Mohmed,

No doubt by this time you have completed another validation of the GammaCoeur CVD Risk Assay after your purchase of 20 GammaCoeur kits for \$6500 from Gamma Therapeutics.

You asked for these kits to be delivered overnight and we obliged, paying additional monies for the express shipment and paying ZEUS upfront and in full for the product and delivery next day.

We understand that HDL has filed Chapter 11 Bankruptcy protection but also that HDL is processing the payment of bills it can afford to pay within its financial means.

We ask that you pay off the GammaCoeur Assay kit bill and reimburse us immediately. Every one at HDL knows that we are sensitive to your situation but, prior to filing Chapter 11, you made a commitment to pay this bill upon your order. We trusted that this would be done.

Please send this check immediately.

Thank you,

David Eastman

Copyright © 2003-2016. All rights reserved.